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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,054	11/03/2003	Louis A. Lippincott	ITL.1709US (P17678)	5501
21906 7590 05/08/2012 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER THOMAS, ERIC M	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 05/08/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/701,054	Applicant(s) LIPPINCOTT, LOUIS A.	
	Examiner ERIC M. THOMAS	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2012.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 25-35 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 25-35 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

This is in response to the amendments filed on 3/8/12. Claims 25 - 35 are pending in the current application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained through the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 25 – 27, and 29 – 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutkowski (U.S. 5,806,849) in view of Licht (U.S. 2003/0050093).**

Regarding claims 25 and 30, Rutkowski discloses a method and apparatus of providing at least one media center to provide electronic game data for one game to at least two game players of said game who play the game at the same time in concert, **("an unlimited number of controllers may be interfaced with the game unit to allow an unlimited number of players to play a game at the same time", col. 5, lines 53 - 55 and fig. 1)**, separating the game data so that separate game images may be provided for each of the game players who play the same game and such that the game images for each of the players may be different in at least some respects, **("allows an unlimited number of controllers to be used with the same console", col. 2, lines 38 - 39)**, receiving game control commands from said players using separate wireless controllers and identifying which commands originate with each of

Art Unit: 3714

said game players from a game control command received from the other player, (**"the controllers of the system are preferably wireless controllers which send control information to the console in the form of radio frequency signals", "each controller transmits on a different frequency so that console can determine which controller is sending which control signals", col. 3, lines 18 - 25**), but Rutkowski is silent on the issue of appending tags. In a related art however, Licht discloses communication modules for programmable controllers, (**par. 0001**), and control commands from users using separate wireless controllers and identifying which commands originate with each of said users by appending tags to the said control commands, (**"an interface module employing RFID technology to facilitate wireless communication between programmable controller and other devices", par. 0001 and fig. 3**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Licht into the art disclosed by Rutkowski in order to have a wireless interface as an integral part of the communication module by eliminating the need for communication through backplane and cables.

Regarding claims 26 and 31, Rutkowski discloses including associating game data indicative of a different player, (**"each controller transmits on a different frequency so that console can determine which controller is sending which control signals", col. 3, lines 18 - 25**), but Rutkowski is silent on the issue of appending tags, however, this is overcome by the Licht reference as cited above.

Regarding claims 27, 32, and 33, Rutkowski discloses providing controls which each game player may utilize to provide input commands to the media center,

("controller preferably first comprises a user interface for accepting user input, col. 3, lines 52 - 54).

Regarding claims 29 and 34, Rutkowski discloses enabling a controller for each player to wirelessly use a different frequency to wirelessly communicate with said media center and enabling said media center to provide game data to each controller using a different and distinct frequency for each game controller, **("the controllers of the system are preferably wireless controllers which send control information to the console in the form of radio frequency signals", "each controller transmits on a different frequency so that console can determine which controller is sending which control signals", col. 3, lines 18 - 25).**

Regarding claim 35, Rutkowski discloses multiplexing video game data with a particular tag to a particular buffer, **("by multiplexing lines, in the manner described, an unlimited number of controllers may be interfaced with the game unit to allow an unlimited number of players to play a game at the same time", col. 5, lines 53 - 55 and fig. 1)**, but Rutkowski is silent on the issue of appending tags, however, this is overcome by the Licht reference as cited above.

Response to Arguments

1. Applicant's arguments filed on 3/8/12 have been fully considered but they are not persuasive. Regarding independent claim 25, Applicants state that the claimed invention calls for identifying which commands originate with each of the game controllers by appending tags to the game control command so that a command from one player is distinguished by the media player from a game control command received

Art Unit: 3714

from the other player, and that "nothing of the sort seems to be suggested in Licht". The Examiner respectfully disagrees. Licht discloses the use of RFID technology, **"wherein an RFID system generally consists of a transmitter/receiver and a transponder, (called an RF chip or tag), that is electronically programmed with unique identification information"**, par. 0004. The Examiner views this teaching as being equivalent to appending tags to control commands that are distinguished from other commands received from another transmitter/receiver since they are programmed with unique identification information, furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the Rutkowski reference is used to meet the limitations of a media center providing game data for one game to at least two game players who are playing the game at the same time in concert, wherein the game control commands received from the players using wireless controllers wherein the commands from the players are distinguished by the use of radio frequency signals, but, as stated in the previous action, Rutkowski does not explicitly mention appending tags, wherein the Licht references is used solely for the purpose meeting the appending tags limitation, which is taught by Licht as cited above. Therefore, the Examiner maintains that cited art references render the present invention obvious as claimed.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. THOMAS whose telephone number is (571)272-1699. The examiner can normally be reached on 7a.m. - 3p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lewis can be reached on (571) 272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. M. T./
Examiner, Art Unit 3714

/Omkar Deodhar/
Primary Examiner, Art Unit 3714